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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,146	11/04/2003	Frank C. Smith JR.	50121	4832

22929 7590 03/18/2004

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EXAMINER

DINH, TIEN QUANG

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/701,146	SMITH, FRANK C.	
	Examiner	Art Unit	
	Tien Dinh	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/4/03</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

The drawings are objected to because it is filled with writings that are not necessary in the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Please delete explanations and other irrelevant info that is not needed. Please note that the drawings should only include the numbers designating the parts.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tractor engine or the two wing located engines must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3644

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, it is not understood what "only two significant horizontal surfaces" mean. It is vague and indefinite.

Claims 1 and 11, line 3, is the applicant claiming a smaller lift surface or the canard surface?

Claim 1, last line, "door-type" is vague and indefinite.

Claim 10, line 2, is the applicant claiming a smaller lift surface or the canard surface?

In claims 1 and 11, line 3, please delete "(wing)" or if the applicant wants to claim it, please put in the correct form.

In claim 8, what is a two wing located engines?

Claim Rejections - 35 USC § 103

Claims 1-6, 8, 9, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutton et al in view of Weaver et al and Rutan 4641800.

Sutton et al teaches an aircraft with two engines P mounted on the wings, yaw control surfaces R on the wing, and having no empennage. Sutton et al is silent on the door at the rear of the fuselage and the canard with pitch control surface. However, Weaver et al teaches that a door at the end of the fuselage is well known in the art. Rutan discloses that canards with pitch control surfaces are well known in the art.

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It would have been obvious to one skilled in the art at the time the invention was made to have used doors at the end of the fuselage and canards in Sutton et al's system as taught by Weaver et al and Rutan 4641800 to easily load cargos and to increase maneuverability.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sutton et al as modified by Weaver et al and Rutan 4641800 as applied to claim 1 above, and further in view of Firestone.

Sutton et al as modified by Weaver et al and Rutan 4641800 discloses all claimed parts except for the tractor engine. However, Firestone discloses that tractor engines are well known in the art.

It would have been obvious to one skilled in the art at the time the invention was made to have used a tractor engine in Sutton et al's system as modified by Weaver et al and Rutan 4641800 and as taught by Firestone to increase thrust.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Burnelli, Shenk, Northrop et al, Riegel, Wallis, Lockheed, Shye, Conway et al, and Hurkamp disclose aircraft means.

Art Unit: 3644

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tien Dinh whose telephone number is 703-308-2798. The examiner can normally be reached on 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached on 703-306-4159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Tien Dinh